

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 5 and 12 are cancelled. Claims 1-4, 6-11 and 13-23 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Applicants express appreciation to the Examiner for the telephone interview held on October 27, 2004.

Claims 1, 8 and 15 have been amended to incorporate limitations previously recited in a dependent claim as well as to describe the limitations in greater detail using language recited earlier in the claim. Claims 16-17, 19-20 and 22-23 have been amended solely to have the claims conform with the changes made to the independent claims. No new matter has been added by these amendments.

In the Office Action, claims 1-2, 6-9, 13-17, 19-20 and 22-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoneda (U.S. Patent No. 6,609,251) in view of Moon (U.S. Patent No. 6,501,510). It is submitted, however, that the claims are patentably distinguishable over the cited references.

The Yoneda patent shows, in Figs. 1 and 5, a transport stream of multiplexed data that is received via a network. Video data and scanning method information relating to the video data are separated from the transport stream. The scanning method information is then used to determine whether the video data is to be decoded by a non-interlace video decoding unit or by an interlace video decoding unit. (See col. 20, lns. 6-38). Yoneda does not suggest separating a *color initial value* from the transport stream.

The Moon patent describes processing a luminance signal and a color signal to compensate for the frequency and noise characteristics of the luminance signal, to compensate for the noise and phase characteristics of the color signal, and to

compensate the definition, brightness and color of a screen according to a user selection. The compensated luminance and color signals are then converted into R, G, and B signals (see Fig. 1; and col. 4, lns. 28-35). The patent does not suggest acquiring video encoding parameters that are associated with extracted digital image data and therefore does not suggest acquiring a color initial value.

Neither Yoneda nor Moon suggests:

an acquisition unit operable to acquire video encoding parameters associated with the extracted digital image data of the selected program, the video encoding parameters including a color initial value, and to decode the extracted digital image data into decoded image signals including a luminance signal and color difference signals

as called for in claim 1.

Yoneda also describes that the scanning method information is used to determine the method of decoding the video data. The patent does not suggest processing decoded video data and does not suggest processing signals that include a luminance signal and a color difference signal into signals that include RGB signals. Further, the patent does not suggest such processing is controlled using an image signal processing parameter that includes a parameter corresponding to a color initial value.

Though Moon describes the conversion of luminance and color signals into RGB signals, the patent does not suggest controlling the conversion using one or more image parameters and, hence, does not suggest that such parameters correspond to a color initial value acquired with extracted digital image data. Therefore, Moon does not remedy the above deficiencies of Yoneda.

Neither Yoneda nor Moon suggests:

a processing unit operable to process the decoded image signals that include the luminance signal and

the color difference signals into processed image signals that include RGB signals, the at least one image signal processing parameter that includes the parameter corresponding to the color initial value being used to control the processing of the decoded image signals and thereby control image quality of the selected program

as recited in claim 1.

It follows that neither Yoneda nor Moon, whether taken alone or in combination, suggests or contemplates the image processing apparatus defined in claim 1, and claim 1 is patentably distinct and unobvious over the references.

Claims 2, 6-7 and 16-17 depend from claim 1, and each further defines and limits the invention set out in the independent claim. Therefore, each of claims 2, 6-7 and 16-17 defines a combination that is patentably distinguishable over the references at least for the same reasons.

Independent claim 8 is directed to an image processing method and includes limitations similar to those set out in claim 1. Claim 8 is therefore patentably distinguishable over Yoneda and Moon at least for the same reasons.

Claims 9, 13-14 and 19-20 depend from claim 8 and are distinguishable over the cited art for at least the same reasons.

Independent claim 15 relates to a recording medium recorded with a computer readable program for carrying out the image processing method recited in claim 8. Claim 15 is therefore distinguishable over Yoneda and Moon at least for the same reasons.

Claims 22 and 23 depend from claim 15 and are distinguishable over the references for at least the same reasons.

The Examiner also rejected claims 1, 3-4, 6-8, 10-11 and 13-23 under 35 U.S.C. § 103(a) as being unpatentable over

Kim (U.S. Patent No. 6,188,439) in view of Moon. It is submitted that the claims are patentably distinguishable over the cited references.

The Kim patent describes the conversion of a broadcast signal into "an appropriate signal to comply with a television set", the separation of the converted signal into a video signal and an audio signal, and the detection of *genre data* from the separate video signal. The *genre data* is decoded, and corresponding video and audio control signals are generated to adjust the level of the video and audio settings to produce the video and audio conditions used for viewing. (See Figs. 2-4; and col. 3, lns. 22-50). Kim, therefore, is concerned only with obtaining *genre data* from the video signal and does not suggest acquiring video encoding parameters that include a *color initial value* associated with extracted digital image data.

Moon, as noted above, is likewise not concerned with acquiring video encoding parameters associated with extracted digital image data and therefore does not remedy this deficiency of Kim.

Neither Kim nor Moon suggests:

an acquisition unit operable to acquire video encoding parameters associated with the extracted digital image data of the selected program, the video encoding parameters including a *color initial value*, and to decode the extracted digital image data into decoded image signals including a luminance signal and color difference signals

as set out in claim 1.

Moreover, Kim describes *converting the broadcast signal* into an appropriate signal to comply with the television set, then detecting *genre data* and thereafter using the *genre data* to control the video and audio settings. Kim does not suggest using a *color initial value* to process decoded image

signals that include a luminance signal and a color difference signal into processed image signals that include RGB signals.

The Moon patent, for the reasons set out above, similarly does not suggest using one or more image signal processing parameters to control the conversion of luminance and color difference signals into RGB signals and does not suggest that such parameters include a parameter corresponding to a color initial value.

Neither Kim nor Moon suggests:

a processing unit operable to process the decoded image signals that include the luminance signal and the color difference signals into processed image signals that include RGB signals, the at least one image signal processing parameter that includes the parameter corresponding to the color initial value being used to control the processing of the decoded image signals and thereby control image quality of the selected program

as set out in claim 1.

It follows that neither Kim nor Moon, whether taken alone or in combination, suggests or contemplates the image processing apparatus defined in claim 1, and claim 1 is patentably distinct and unobvious over these references.

Claims 3-4, 6-7 and 16-18 depend from claim 1 and are therefore distinguishable over the references at least for the same reasons.

Independent claim 18 defines an image processing method that includes limitations similar to those set out in claim 1, and independent claim 15 defines a recording medium recorded with a computer readable program for carrying out the method defined in claim 8. Therefore, each of claims 8 and 15 are patentably distinguishable over Kim and Moon for at least the same reasons.

Claims 10-11, 13-14 and 19-21 depend from claim 8 and claims 22-23 depend from claim 15, and each is therefore

distinguishable over the cited art at least for the same reasons.

The Examiner also rejected claims 2 and 9 under 35 U.S.C. § 103 as being unpatentable over Kim in view of Moon and Yoneda. It is submitted that the claims are patentably distinguishable over the references.

Claim 2 depends from claim 1, and claim 9 depends from claim 8. For the reasons described above, neither Kim, Moon nor Yoneda suggests the acquisition unit defined in claim 1, and none of these references suggests the processing unit defined in claim 1. Similarly, for the reasons set out above, neither Kim, Moon nor Yoneda suggests the acquiring step recited in claim 8, and none of the references suggests the processing step recited in claim 8.

It follows that neither Kim, Moon, nor Yoneda, whether alone or in combination, suggests or contemplates the apparatus defined in claim 8 or the method defined in claim 9. Therefore, claims 2 and 9 are patentably distinct and unobvious over the cited art.

Accordingly, the withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: November 22, 2004

Respectfully submitted,

By Lawrence E. Russ

Lawrence E. Russ

Registration No.: 35,342

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

517069_1.DOC